

THURSDAY, APRIL 30, 1987

FORTIETH LEGISLATIVE DAY

The House met at 9:00 a.m. and was called to order by Mr. Speaker Murray.

The proceedings were opened with prayer by Brother Steve Flatt, Madison Church of Christ, Nashville, Tennessee.

Representative Robinson (Davidson) led the House in the Pledge of Allegiance to the Flag.

The roll call was taken with the following results:

Present 97

Representatives present were: Bell, Bewley, Bivens, Bragg, Buck, Burnett, Bushing, Byrd, Cain, Chiles, Clark, Coffey, Collier, Copeland, Crain, Cross, Curlee, Davidson, Davis (Cocke), Davis (Gibson), Davis (Knox), DeBerry, DePriest, Dixon, Drew, Duer, Ellis, Frensley, Gaia, Garrett, Good, Harrill, Hassell, Hawkins, Head, Henry, Herron, Hillis, Hobbs, Holcomb, Holt, Hurley, Huskey, Ivy, Jackson, Jared, Jones, R. (Shelby), Jones, U. (Shelby), Kent, Kernell, King, Kisber, Lawson, Long, Love, McAfee, Miller, Montgomery, Moody, Moore (Lawrence), Moore (Shelby), Naifeh, Nance, Napier, Odom, Peroulas, Phillips, Pruitt, Purcell, Rhinehart, Robinson (Davidson), Robinson (Hamilton), Robinson (Washington), Scruggs, Severance, Shirley, Stafford, Stallings, Starnes, Swann, Tankersley, Tanner, Turner (Hamilton), Turner, C. (Shelby), Turner, L. (Shelby), Ussery, Webb, West, Wheeler, Whitson, Williams, Winningham, Wix, Wolfe, Wood, Yelton and Mr. Speaker Murray--97.

The Speaker announced that Representative Ridgeway was excused because of business.

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ENROLLED BILLS

MR. SPEAKER:

Your Chief Engrossing Clerk begs leave to report that we have carefully compared House Bills Nos. 146, 960, 1068, 1238, 1289 and 1290; House Resolutions Nos. 23 and 44; and House Joint Resolutions Nos. 252, 253, 254, 280, 281, 284 and 296; and find same correctly enrolled and ready for the signatures of the Speakers.

MARILYN EVELYN HAND,
Chief Engrossing Clerk.

SIGNED

The Speaker announced that he had signed the following: House Bills Nos. 146, 960, 1068, 1238, 1289 and 1290; House Joint Resolutions Nos. 252, 253, 254, 280, 281, 284 and 296; and House Resolutions Nos. 23 and 44.

CHARGES AGAINST JUDGE IRA HENDERSON MURPHY

Representative DeBerry requested that the following remarks of Judge H. Murphy be spread upon the Journal.

STATEMENT

JUDGE IRA H. MURPHY

JOINT CONVENTION, APRIL 30, 1987

LADIES AND GENTLEMEN OF THE 95th GENERAL ASSEMBLY:

Greetings! I wish to make the following statements as you contemplate the awesome and somber responsibility that you are about to make regarding my life and my career. Having worked in your mist for more than fourteen years and having worked with many of you are numerous proposals and issues, make me extremely aware of the situation you are in today and at this hour. It is within my wish, my desire, and my prayer that you be spared of this ordeal at the outset.

Let me state unequivocally, that I am not guilty of the crimes with which I have been charged by the Federal Government, neither am I guilty of the charges before you today because all of these charges arise out of the same federal charges which are being vigorously attacked on appeal. Notwithstanding what you hear about the appeal there has not been a decision on the merits of appeal as of this date.

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I have been strenuously denied the privilege of personally appearing before you or your select committee with witnesses and evidence to prove to your satisfaction the falsity of the charges and the nature of the Federal Governments scheme to take me out of office. In other words I have been denied what every American assumes he or she has of the fundamental right of due process, the right to be heard in person by the body making the decisions on his or her rights. You see Ladies and Gentlemen, the hearing before the courts of the Judiciary, is not the same of the hearing before you or the a committee of Legislators appointed by you, neither is this true the credibility is the decisive factor. A stenographic transcript correct in every detail, fails to produce tones of voice, and hesitation of speech that often makes a sentence using the reverse of what the words signify. The best and most accurate record is like a dehydrated peach, it has neither substance or the flavor of the fruit before it was dried, like that of a pressed flower.

You are not aware of the fact that the court of the judiciary added a charge to its complaint against me on the date of the hearing and then proceeded with the hearing allowing my attorney any time whatsoever to prepare a response to the additional charge. You are also not aware of the fact that the court of the judiciary failed or refused to rule out other issues important to your committee in consideration of the case and the vote you are about to cast today. I believe you'll agree that the existing proceeding of that manner is unfair, and is not due process even though they should not have been put in a Court of judiciary involved in doing legislative business.

Never before in the long and glorious history, the State of Tennessee has a judge been taken out of office by a legislature without the opportunity to personally before the legislature has evidence to defend himself against such a proceeding as guaranteed to every American by the Constitution of the United States and of Tennessee.

On this very Solemn occasion, very solemn matter, voting on a matter on which you have very little knowledge about, please know the decision has already been decided by others. I pray that it has no effect on your decision. A no vote on this resolution today could very well be one of the most significant votes in that you will cast in your legislative career.

You were not aware about many facts about my trial, you are not aware that 1/3 of the jurors were asleep during the two week duration of the trial. You are not aware that the Government rather than government witnesses were permitted to lie about their relationship and participation in government relationships. You are not aware of the fact that the government witnesses were allowed to change the testimony that they had given before the Grand Jury. You are not aware of the fact that more than 100 exhibits were introduced into evidence over the two week span of the trial yet the jury proported to consider all of the evidence in about three hours to facilitate the departure of a juror who had to leave for another appointment. You are not aware of the fact that the government was about to introduce all of the evidence it offered. You are also not aware of even of what my role was in the whole matter.

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You do not know for instance that the organization that the government has attacked me for forming has done more for charity with the proceeds received than any organization in the city of Memphis.

The Speaker announced that each charge will be voted on separately and members were directed to vote green for removal and red against removal.

CHARGE I

Because Judge Murphy is no longer licensed to practice law, he is not qualified to serve as General Sessions Judge of Shelby County in accordance with Tennessee Code Annotated, Section 17-1-106.

For Removal.	94
Against Removal.	0
Present and not voting	1

Representatives voting for removal were: Bell, Bewley, Bivens, Bragg, Buck, Burnett, Bushing, Byrd, Cain, Chiles, Clark, Coffey, Collier, Copeland, Crain, Cross, Curlee, Davidson, Davis (Cocke), Davis (Gibson), Davis (Knox), DeBerry, DePriest, Dixon, Drew, Duer, Ellis, Frensley, Gaia, Garrett, Good, Harrill, Hassell, Hawkins, Head, Henry, Herron, Hillis, Hobbs, Holcomb, Holt, Hurley, Huskey, Ivy, Jackson, Jared, Jones, R. (Shelby), Jones, U. (Shelby), Kent, Kernell, King, Kisber, Lawson, Long, Love, McAfee, Miller, Montgomery, Moody, Moore (Shelby), Naifeh, Nance, Napier, Odom, Peroulas, Purcell, Rhinehart, Robinson (Davidson), Robinson (Hamilton), Robinson (Washington), Scruggs, Severance, Shirley, Stafford, Stallings, Starnes, Swann, Tankersley, Tanner, Turner (Hamilton), Turner, C. (Shelby), Turner, L. (Shelby), Ussery, Webb, West, Wheeler, Whitson, Williams, Winningham, Wix, Wolfe, Wood, Yelton and Mr. Speaker Murray--94.

Representative present and not voting was: Pruitt--1.

CHARGE II

Judge Murphy has violated Canons 1 and 2A of the Code of Judicial Conduct adopted in Rule 10 of the Rules of the Supreme Court of Tennessee.

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For Removal.....	91
Against Removal.....	1
Present and not voting.....	4

Representatives voting for removal were: Bell, Bewley, Bivens, Bragg, Buck, Burnett, Bushing, Byrd, Cain, Chiles, Coffey, Collier, Copeland, Crain, Cross, Curlee, Davidson, Davis (Cocke), Davis (Gibson), Davis (Knox), DeBerry, DePriest, Dixon, Duer, Ellis, Frensley, Gaia, Garrett, Good, Harrill, Hassell, Hawkins, Head, Henry, Herron, Hillis, Hobbs, Holcomb, Holt, Hurley, Huskey, Ivy, Jackson, Jared, Jones, R. (Shelby), Jones, U. (Shelby), Kent, Kernell, King, Kisber, Lawson, Long, Love, McAfee, Miller, Montgomery, Moody, Moore (Lawrence), Moore (Shelby), Naifeh, Nance, Napier, Odom, Peroulas, Purcell, Rhinehart, Robinson (Davidson), Robinson (Washington), Scruggs, Severance, Shirley, Stafford, Stallings, Starnes, Swann, Tankersley, Tanner, Turner (Hamilton), Turner, C. (Shelby), Ussery, Webb, West, Wheeler, Whitson, Williams, Winningham, Wix, Wolfe, Wood, Yelton and Mr. Speaker Murray--91.

Representative voting against removal was: Turner, L. (Shelby)--1.

Representatives present and not voting were: Clark, Drew, Pruitt and Robinson (Hamilton)--4.

CHARGE III(A)

Judge Murphy has violated Tennessee Code Annotated, Section 17-5-302(2), in that he has willfully or persistently failed to perform the duties of the office to which he was elected.

For Removal.....	89
Against Removal.....	1
Present and not voting.....	6

Representatives voting for removal were: Bell, Bewley, Bivens, Bragg, Buck, Burnett, Bushing, Byrd, Cain, Chiles, Coffey, Collier, Copeland, Crain, Cross, Curlee, Davidson, Davis (Cocke), Davis (Gibson), Davis (Knox),

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DePriest, Dixon, Duer, Ellis, Frensley, Gaia, Garrett, Good, Harrill, Hassell, Hawkins, Head, Henry, Herron, Hillis, Hobbs, Holcomb, Holt, Hurley, Huskey, Ivy, Jackson, Jared, Jones, U. (Shelby), Kent, Kernell, King, Kisber, Lawson, Long, Love, McAfee, Miller, Montgomery, Moody, Moore (Lawrence), Moore (Shelby), Naifeh, Nance, Napier, Odom, Peroulas, Purcell, Rhinehart, Robinson (Davidson), Robinson (Washington), Scruggs, Severance, Shirley, Stafford, Stallings, Starnes, Swann, Tankersley, Tanner, Turner (Hamilton), Turner, C. (Shelby), Ussery, Webb, West, Wheeler, Whitson, Williams, Winningham, Wix, Wolfe, Wood, Yelton and Mr. Speaker Murray--89.

Representative voting against removal was: Turner, L. (Shelby)--1.

Representatives present and not voting were: Clark, DeBerry, Drew, Jones, R. (Shelby), Pruitt and Robinson (Hamilton)--6.

CHARGE III(B)

Judge Murphy has violated Tennessee Code Annotated, Section 17-5-302(4), in that he committed acts that constitute a violation of so much of the Code of Professional Responsibility as set out in the rules of the Supreme Court of Tennessee, as is applicable to judges.

For Removal.	90
Against Removal.	0
Present and not voting.	6

Representatives voting for removal were: Bell, Bewley, Bivens, Bragg, Buck, Burnett, Bushing, Byrd, Cain, Chiles, Clark, Coffey, Collier, Copeland, Crain, Cross, Curlee, Davidson, Davis (Cocke), Davis (Gibson), Davis (Knox), DePriest, Dixon, Duer, Ellis, Frensley, Gaia, Garrett, Good, Harrill, Hassell, Hawkins, Head, Henry, Herron, Hillis, Hobbs, Holcomb, Holt, Hurley, Huskey, Ivy, Jackson, Jared, Jones, R. (Shelby), Jones, U. (Shelby), Kent, Kernell, King, Kisber, Lawson, Love, McAfee, Miller, Montgomery, Moody, Moore (Lawrence), Moore (Shelby), Naifeh, Nance, Napier, Odom, Peroulas, Purcell, Rhinehart, Robinson (Davidson), Robinson (Washington), Scruggs, Severance, Shirley, Stafford, Stallings, Starnes, Swann, Tankersley, Tanner, Turner (Hamilton), Turner, C. (Shelby), Ussery, Webb, West, Wheeler, Whitson, Williams, Winningham, Wix, Wolfe, Wood, Yelton and Mr. Speaker Murray--90.

Representatives present and not voting were: DeBerry, Drew, Long, Pruitt, Robinson (Hamilton) and Turner, L. (Shelby)--6.

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CHARGE III(C)

Judge Murphy has violated Tennessee Code Annotated, Section 17-5-302(8), in that he was guilty of conduct calculated to bring the judiciary into public disrepute or to adversely affect the administration of justice.

For Removal.	90
Against Removal.	0
Present and not voting	6

Representatives voting for removal were: Bell, Bewley, Bivens, Bragg, Buck, Burnett, Bushing, Byrd, Cain, Chiles, Coffey, Collier, Copeland, Crain, Cross, Curlee, Davidson, Davis (Cocke), Davis (Gibson), Davis (Knox), DeBerry, DePriest, Dixon, Duer, Ellis, Frensley, Gaia, Garrett, Good, Harrill, Hassell, Hawkins, Head, Henry, Herron, Hillis, Hobbs, Holcomb, Holt, Hurley, Huskey, Ivy, Jackson, Jared, Jones, R. (Shelby), Jones, U. (Shelby), Kent, Kernell, King, Kisber, Lawson, Love, McAfee, Miller, Montgomery, Moody, Moore (Lawrence), Moore (Shelby), Naifeh, Nance, Napier, Odom, Peroulas, Purcell, Rhinehart, Robinson (Davidson), Robinson (Washington), Scruggs, Severance, Shirley, Stafford, Stallings, Starnes, Swann, Tankersley, Tanner, Turner (Hamilton), Turner, C. (Shelby), Ussery, Webb, West, Wheeler, Whitson, Williams, Winningham, Wix, Wolfe, Wood, Yelton and Mr. Speaker Murray--90.

Representatives present and not voting were: Clark, Drew, Long, Pruitt, Robinson (Hamilton) and Turner, L. (Shelby)--6.

Mr. Clerk, you are directed to enter the charges and the votes thereon in the journal and advise the Senate of our action.

The Speaker announced we are ready for the regular order of business.

Mr. Naifeh moved that the rules be suspended for the purpose of introducing House Joint Resolution No. 363 out of order, which motion prevailed.

House Joint Resolution No. 363--Clarify legislative intent, effective date--By Rhinehart, Davis (Gibson), Garrett, Crain, Byrd, Davidson, Bragg, Ellis, King, Bell, Ivy, Bewley, Scruggs, Ridgeway, Burnett, Webb, Copeland, Yelton and Jones, R. (Shelby).

On motion, the rules were suspended for the immediate consideration of the resolution.

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House Joint Resolution No. 363--Clarify legislative intent effective date.

Mr. Naifeh moved that House Joint Resolution No. 363 be adopted, which motion prevailed by the following vote:

Ayes	94
Noes	0

Representatives voting aye were: Bell, Bewley, Bivens, Bragg, Buck, Burnett, Bushing, Byrd, Cain, Chiles, Clark, Coffey, Collier, Copeland, Crain, Cross, Curlee, Davidson, Davis (Cocke), Davis (Gibson), Davis (Knox), DeBerry, DePriest, Dixon, Drew, Duer, Ellis, Frensley, Gaia, Garrett, Good, Harrill, Hassell, Hawkins, Head, Henry, Herron, Hillis, Hobbs, Holcomb, Holt, Hurley, Huskey, Ivy, Jackson, Jared, Jones, U. (Shelby), Kent, Kernell, King, Kisber, Lawson, Long, Love, McAfee, Miller, Montgomery, Moody, Moore (Lawrence), Moore (Shelby), Naifeh, Nance, Napier, Odom, Peroulas, Pruitt, Purcell, Rhinehart, Robinson (Davidson), Robinson (Hamilton), Robinson (Washington), Scruggs, Severance, Shirley, Stafford, Stallings, Starnes, Tankersley, Tanner, Turner (Hamilton), Turner, C. (Shelby), Turner, L. (Shelby), Ussery, Webb, West, Wheeler, Whitson, Williams, Winningham, Wix, Wolfe, Wood, Yelton and Mr. Speaker Murray--94.

A motion to reconsider was tabled.

Mr. McAfee moved that the rules be suspended for the purpose of introducing House Joint Resolution No. 364 out of order, which motion prevailed.

House Joint Resolution No. 364--Regulation of rights-of-way--By Coffey and May.

On motion, the rules were suspended for the immediate consideration of the resolution.

On motion of Mr. McAfee, the resolution was adopted.

A motion to reconsider was tabled.

Mr. Naifeh moved that the rules be suspended for the purpose of considering House Bill No. 793, which motion prevailed.

CALENDAR

House Bill No. 793--Career Ladder.

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On motion, House Bill No. 793 was made to conform with Senate Bill No. 1031.

On motion, Senate Bill No. 1031, on same subject, was substituted for House Bill No. 793.

Mr. Burnett moved that Senate Bill No. 1031 be passed on third and final consideration, which motion prevailed by the following vote:

Ayes	95
Noes	0
Present and not voting	1

Representatives voting aye were: Bell, Bewley, Bivens, Bragg, Buck, Burnett, Bushing, Byrd, Cain, Clark, Coffey, Collier, Copeland, Crain, Cross, Curlee, Davidson, Davis (Cocke), Davis (Gibson), Davis (Knox), DeBerry, DePriest, Dixon, Drew, Duer, Ellis, Frensley, Gaia, Garrett, Good, Harrill, Hassell, Hawkins, Head, Henry, Herron, Hillis, Hobbs, Holcomb, Holt, Hurley, Huskey, Ivy, Jackson, Jared, Jones, R. (Shelby), Jones, U. (Shelby), Kent, Kernell, King, Kisber, Lawson, Long, Love, McAfee, Miller, Montgomery, Moody, Moore (Lawrence), Moore (Shelby), Naifeh, Nance, Napier, Odom, Peroulas, Pruitt, Purcell, Rhinehart, Robinson (Davidson), Robinson (Hamilton), Robinson (Washington), Scruggs, Severance, Shirley, Stafford, Stallings, Starnes, Swann, Tankersley, Tanner, Turner (Hamilton), Turner, C. (Shelby), Turner, L. (Shelby), Ussery, Webb, West, Wheeler, Whitson, Williams, Winningham, Wix, Wolfe, Wood, Yelton and Mr. Speaker Murray--95.

Representatives present and not voting were: Chiles--1.

A motion to reconsider was tabled.

Mr. Naifeh moved that House Bill No. 101 be placed on the first Wednesday of March, 1988, Calendar, which motion prevailed.

CONSENT CALENDAR

House Bill No. 814--Housing authorities.

On motion, House Bill No. 814 was made to conform with Senate Bill No. 481.

On motion, Senate Bill No. 481, on same subject, was substituted for House Bill No. 814.

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House Joint Resolution No. 197--Rename Hendersonville By-Pass.

House Bill No. 1016--Exemptions sales and use tax.

On motion, House Bill No. 1016 was made to conform with Senate Bill No. 987.

On motion, Senate Bill No. 987, on same subject, was substituted for House Bill No. 1016.

House Bill No. 1275--Licensure Hearing and dispensers.

House Resolution No. 41--Honoring Rosser E. Newton.

House Resolution No. 42--Congratulating Holly Darlene Hoffman.

House Joint Resolution No. 315--Relative to honoring Richard S. Wintz.

House Joint Resolution No. 316--Relative to honoring Neil P. Cohen.

House Joint Resolution No. 317--Relative to commending G. David Price.

House Joint Resolution No. 318--Commending students of Lakeview.

House Joint Resolution No. 319--Recognizing Ralph G. Stout.

House Joint Resolution No. 320--Commending Miss Beth Gardner.

House Joint Resolution No. 321--Honoring Cheri Singletary.

House Joint Resolution No. 322--Congratulating Terry Clayton.

House Joint Resolution No. 323--Congratulating Coach Doug Sharp.

House Joint Resolution No. 324--Congratulating Coach Steve Asberry.

House Joint Resolution No. 325--Pollution Big Pigeon River.

House Joint Resolution No. 327--Honoring memory Lt. Bobby Gene Blackley.

House Joint Resolution No. 328--Commending Carol Lynn Owen.

House Joint Resolution No. 329--Honoring Green Elementary.

House Joint Resolution No. 330--Commending Lonsdale Elementary.

House Joint Resolution No. 331--Commending Flenniken Elementary.

House Joint Resolution No. 332--Honoring Coach Dwight Clark.

House Joint Resolution No. 333--Honoring Monteagle Health Care Center.

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House Joint Resolution No. 334--Congratulating Hermitage Springs High School.

House Joint Resolution No. 335--Honoring Pickett County.

House Joint Resolution No. 336--Commending Thomas Hamilton Williams.

House Joint Resolution No. 337--Honoring WIVK Radio.

House Joint Resolution No. 338--Honoring Terrell Ponder.

House Bill No. 1283--Shelby County privilege tax.

House Bill No. 1288--Hamilton County General Sessions Court.

Senate Joint Resolution No. 46--Memory, Newton Jackson Ford.

Senate Joint Resolution No. 170--Honoring Joseph Bascom Osborne.

Senate Joint Resolution No. 171--Congratulating Barbara Ross Moore.

Senate Joint Resolution No. 172--Congratulating Dr. Thomas K. Ballard.

Senate Joint Resolution No. 181--Relative to congratulating Mrs. Frances Dewitt Owens.

Senate Joint Resolution No. 192--Relative to congratulating Dr. Angelo A. Volpe.

Mr. Kisber moved that all House and Senate Bills on the Consent Calendar be passed on third and final consideration, all House Resolutions and House Joint Resolutions on the Consent Calendar be adopted, and all Senate Joint Resolutions on the Consent Calendar be concurred in, which motion prevailed by the following vote:

Ayes	95
Noes	0

Representatives voting aye were: Bell, Bewley, Bivens, Bragg, Buck, Burnett, Bushing, Byrd, Cain, Chiles, Clark, Coffey, Collier, Copeland, Crain, Cross, Curlee, Davidson, Davis (Cocke), Davis (Gibson), Davis (Knox), DeBerry, DePriest, Dixon, Drew, Duer, Ellis, Frensey, Gaia, Garrett, Good, Harrill, Hassell, Hawkins, Head, Henry, Herron, Hillis, Hobbs, Holcomb, Holt, Hurley, Huskey, Ivy, Jackson, Jared, Jones, R. (Shelby), Jones, U. (Shelby), Kent, Kernell, King, Kisber, Lawson, Long, Love, McAfee, Miller, Montgomery, Moody, Moore (Lawrence), Moore (Shelby), Naifeh, Napier,

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Odom, Peroulas, Phillips, Pruitt, Purcell, Rhinehart, Robinson (Davidson), Robinson (Hamilton), Robinson (Washington), Scruggs, Severance, Stafford, Stallings, Starnes, Swann, Tankersley, Tanner, Turner (Hamilton), Turner, C. (Shelby), Turner, L. (Shelby), Ussery, Webb, West, Wheeler, Whitson, Williams, Winningham, Wix, Wolfe, Wood, Yelton and Mr. Speaker Murray--95.

A motion to reconsider was tabled.

STATEMENT BY COPELAND

April 30, 1987

Ed Murray, Speaker
Tennessee House of Representatives

Dear Mr. Speaker:

House Rule 48 provides the method for dealing with local bills, by establishing that passage may occur after such bills have received "the authorization of the local legislative delegation".

Similar reference is made in House Rule 78 regarding the method for dealing with general bills of local application.

No agreement has been made by the Hamilton County Delegation, but there exists a general belief that 'unanimity' is the standard in the absence of such an agreement.

The Chief Clerk has in his possession HB 1288, accompanied by a passage slip on which appears the names of all members of the Hamilton County Delegation except mine.

This is to advise that I do not support, and will not vote for HB 1288, as I believe that its provisions are unnecessary, extravagant, excessive, and not in the best interest of the citizens whom we all represent. However, I do not wish to block its passage in the face of otherwise unanimous delegation agreement.

Please accept this letter as my agreement that, for the purpose of enacting only HB 1288 into law, I am willing that it be passed without my signature, support, or vote, and that it is acceptable to me that the passage slip on which are the names of my fellow delegation members be accepted as adequate for passage of HB 1288.

Sincerely,

David Copeland

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Mr. Speaker Murray relinquished the Chair to Mr. Bivens Speaker pro tem.

STATEMENT BY HERRON

April 30, 1987

Mr. Speaker:

I understand and acknowledge that the House must conduct its session today until the completion of the calendar.

I will be present for as much of the calendar as I possibly can be. I do, however, feel the need to return to Dresden for the funeral of Mrs. Lucille McWherter, my dear neighbor down the street, a special friend to me and my family for all my life and the lives of my family.

Mr. Speaker, until the death of Mrs. McWherter, I believe I had been present for every vote. Barring other unforeseen tragedies, I intend to be present for all other votes this session. I apologize to you and to my colleagues for my physical absence during part of the session today.

Respectfully submitted,

Roy Brasfield Herron

Mr. Davis (Cocke) moved that House Bill No. 850 be re-referred to the Committee on Calendar and Rules, which motion prevailed.

House Bill No. 612--Residential Owners.

On motion, House Bill No. 612 was made to conform with Senate Bill No. 907.

On motion, Senate Bill No. 907, on same subject, was substituted for House Bill No. 612.

Mr. Moody moved that Senate Bill No. 907 be passed on third and final consideration.

Mr. West moved to amend as follows:

AMENDMENT NO. 1

Amend Senate Bill No. 907 by adding the following new section immediately preceding the last section and by renumbering the subsequent section accordingly:

Section ____ The provisions of this act shall not apply in a county having a metropolitan form of government.

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On motion, the amendment was adopted.

Thereupon, Senate Bill No. 907, as amended, passed its third and final consideration by the following vote:

Ayes 90
Noes 2

Representatives voting aye were: Bell, Bewley, Bivens, Buck, Burnett, Bushing, Byrd, Cain, Chiles, Coffey, Collier, Crain, Cross, Curlee, Davidson, Davis (Cocke), Davis (Gibson), Davis (Knox), DeBerry, DePriest, Dixon, Drew, Duer, Ellis, Frensley, Gaia, Garrett, Good, Harrill, Hassell, Hawkins, Head, Henry, Hillis, Hobbs, Holcomb, Holt, Hurley, Huskey, Ivy, Jackson, Jared, Jones, R. (Shelby), Jones, U. (Shelby), Kent, Kernell, King, Kisber, Lawson, Long, Love, McAfee, Miller, Montgomery, Moody, Moore (Lawrence), Moore (Shelby), Nance, Napier, Odom, Peroulas, Pruitt, Purcell, Rhinehart, Robinson (Davidson), Robinson (Hamilton), Robinson (Washington), Scruggs, Severance, Shirley, Stafford, Stallings, Starnes, Swann, Tankersley, Tanner, Turner (Hamilton), Turner, C. (Shelby), Turner, L. (Shelby), Ussery, Webb, West, Wheeler, Whitson, Williams, Winningham, Wix, Wolfe, Wood and Yelton--90.

Representatives voting no were: Bragg and Copeland--2.

A motion to reconsider was tabled.

Senate Bill No. 78--To regulate Tennessee Soybean Promotion Board.

Mr. King moved that Senate Bill No. 78 be passed on third and final consideration.

Mr. Stafford moved to amend as follows:

AMENDMENT NO. 1

Amend Senate Bill No. 78 by adding the following new section to be appropriately designated:

Section ____ Tennessee Code Annotated, Section 43-20-208, is amended by deleting the words and figures "one percent (1%)" and substituting instead the words and figures "five percent (5%)."

AND FURTHER AMEND by adding as a new section to be appropriately designated:

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Section ___. Tennessee Code Annotated, Section 43-20-212(b), is amended by deleting the following language: "An annual report of its activities shall be filed each January with the commissioner, the clerk of the house of representatives, the clerk of the senate, and the state library and archives.", and substitute instead the following new language:

"The board shall submit the minutes of all meetings and an annual detailed financial statement to the commissioner, the clerk of the house of representatives, the clerk of the senate and the library and archives. The annual report shall include, but not be limited to, a list of all grantees of funds and a status report of all grants indicating utilization of grant funds in compliance with this section."

On motion, the amendment was adopted.

Thereupon, Senate Bill No. 78, as amended, passed its third and final consideration by the following vote:

Ayes	89
Noes	0

Representatives voting aye were: Bell, Bewley, Bivens, Bragg, Buck, Burnett, Bushing, Byrd, Cain, Chiles, Coffey, Collier, Copeland, Crain, Cross, Curlee, Davidson, Davis (Cocke), Davis (Gibson), Davis (Knox), DeBerry, DePriest, Dixon, Drew, Duer, Ellis, Frensley, Gaia, Garrett, Good, Harrill, Hassell, Hawkins, Head, Henry, Hillis, Hobbs, Holcomb, Holt, Hurley, Huskey, Ivy, Jackson, Jared, Jones, R. (Shelby), Kent, Kernell, King, Kisber, Lawson, Long, Love, McAfee, Miller, Montgomery, Moody, Moore (Lawrence), Moore (Shelby), Napier, Odom, Peroulas, Pruitt, Purcell, Rhinehart, Robinson (Davidson), Robinson (Hamilton), Robinson (Washington), Scruggs, Severance, Stafford, Stallings, Starnes, Swann, Tankersley, Tanner, Turner (Hamilton), Turner, C. (Shelby), Turner, L. (Shelby), Ussery, Webb, West, Wheeler, Whitson, Williams, Winningham, Wix, Wolfe, Wood and Yelton--89.

A motion to reconsider was tabled.

House Bill No. 210--Film and T.V. Commission.

Mr. King moved that House Bill No. 210 be passed on third and final consideration.

Mr. King moved to amend as follows:

AMENDMENT NO. 1

Amend House Bill No. 210 by deleting Sections 2 and 3 in their entirety and by substituting instead the following:

SECTION 2. (a) Notwithstanding the provisions of Tennessee Code Annotated, Section 4-29-112, or any other law to the contrary, the advisory commission to the office of film and television production, created by Tennessee Code Annotated, Section 4-3-5004, shall terminate and shall cease all activities upon the effective date of this act.

(b) Tennessee Code Annotated, Title 4, Chapter 3, is amended by deleting Part 50 in its entirety.

SECTION 3. This act shall take effect upon becoming a law, the public welfare requiring it.

On motion, the amendment was adopted.

Thereupon, House Bill No. 210, as amended, passed its third and final consideration by the following vote:

Ayes	90
Noes	0

Representatives voting aye were: Bell, Bewley, Bivens, Bragg, Buck, Burnett, Bushing, Byrd, Cain, Chiles, Coffey, Collier, Copeland, Crain, Cross, Curlee, Davidson, Davis (Cocke), Davis (Gibson), Davis (Knox), DeBerry, DePriest, Dixon, Drew, Duer, Ellis, Frensley, Gaia, Garrett, Good, Harrill, Hassell, Hawkins, Head, Henry, Hillis, Hobbs, Holcomb, Holt, Hurley, Huskey, Jackson, Jared, Jones, R. (Shelby), Jones, U. (Shelby), Kent, Kernell, King, Kisber, Lawson, Long, Love, Miller, Montgomery, Moody, Moore (Lawrence), Moore (Shelby), Nance, Napier, Odom, Peroulas, Pruitt, Purcell, Rhinehart, Robinson (Davidson), Robinson (Hamilton), Robinson (Washington), Scruggs, Severance, Shirley, Stafford, Stallings, Starnes, Swann, Tankersley, Tanner, Turner (Hamilton), Turner, C. (Shelby), Turner, L. (Shelby), Ussery, Webb, West, Wheeler, Whitson, Williams, Winningham, Wix, Wolfe, Wood and Yelton --90.

A motion to reconsider was tabled.

House Bill No. 202--Boating Intoxicant.

Ms. Hassell moved that House Bill No. 202 be passed on third and final consideration.

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Mr. Hassell moved to amend as follows:

AMENDMENT NO. 1

Amend House Bill No. 202 by deleting paragraphs (d) and (e) in SECTION 2 in their entirety and substituting in lieu thereof the following:

(d) Any person who is found guilty of violating paragraph (a) of this Act, may, in addition to the fine provided by SECTION 69-10-217(B) be prohibited by the court from operating any vessel on the waters of Tennessee for such time as the court may deem appropriate. Any person who shall operate a vessel during such prohibited time shall, upon conviction, be fined not less than fifty dollars (\$50.00) and shall be confined in the county jail or workhouse not less than thirty (30) days nor more than eleven (11) months and twenty-nine (29) days. A sentence of confinement shall be mandatory and the statutory minimum sentence shall not be subject to suspension.

And further amend the said act by renumbering SECTION 4 as SECTION 6 and inserting SECTIONS 4 and 5 as follows:

SECTION 4. It shall be the duty of any enforcement agency investigating boating accidents in which fatalities occur to obtain blood alcohol content from all parties involved and submit the results thereof to the Wildlife Resources Agency and the District Attorney.

SECTION 5. The penalty provided in TCA 69-10-217(b) shall apply to violations of (a) in SECTION 2 of this Act.

Mr. Clark moved to amend Amendment No. 1 as follows:

AMENDMENT NO. 1 TO AMENDMENT NO. 1

Amend Amendment No. 1 by deleting the language which reads:

AND FURTHER AMEND the said act by renumbering Section 4 as Section 6 and inserting Sections 4 and 5 as follows:

Section 4. It shall be the duty of any enforcement agency investigating boating accidents in which fatalities occur to obtain blood alcohol content from all parties involved and submit the results thereof to the Wildlife Resources Agency and the district attorney.

Section 5. The penalty provided in Tennessee Code Annotated, 69-10-271(b), shall apply to violations of (a) in Section 2 of this act."

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and by substituting instead the following:

AND FURTHER AMEND THE SAID ACT BY RENUMBERING Section 4 as Section 5 and inserting Section 4 as follows:

Section 4. The penalty provided in Tennessee Code Annotated, 69-10-271(b), shall apply to violations of (a) in Section 2 of this act."

On motion, Amendment No. 1 to Amendment No. 1 was adopted.

Thereupon, Amendment No. 1, as amended, was adopted.

Mr. Collier moved that House Bill No. 202 be re-referred to the Committee on Calendar and Rules.

Mr. Scruggs moved that the motion be tabled, which motion prevailed by the following vote:

Ayes	70
Noes	17
Present and not voting	1

Representatives voting aye were: Bell, Bewley, Bivens, Buck, Bushing, Byrd, Cain, Chiles, Clark, Copeland, Crain, Cross, Curlee, Davis (Cocke), Davis (Gibson), Davis (Knox), Drew, Duer, Frensey, Gaia, Garrett, Good, Harrill, Hassell, Hawkins, Henry, Hobbs, Holcomb, Holt, Hurley, Huskey, Ivy, Jackson, Jones, U. (Shelby), Kent, Kernell, King, Kisber, Lawson, Love, McAfee, Miller, Montgomery, Moore (Lawrence), Moore (Shelby), Nance, Napier, Odom, Peroulas, Pruitt, Purcell, Robinson (Washington), Scruggs, Severance, Shirley, Stafford, Stallings, Starnes, Swann, Tankersley, Tanner, Turner (Hamilton), Turner, C. (Shelby), Ussery, Webb, Whitson, Williams, Winningham, Wood and Yelton--70.

Representatives voting no were: Burnett, Coffey, Collier, Davidson, DeBerry, Ellis, Head, Hillis, Jared, Jones, R. (Shelby), Long, Rhinehart, Robinson (Davidson), Turner, L. (Shelby), West, Wix and Wolfe--17.

Representative present and not voting was: Robinson (Hamilton)--1.

Thereupon, House Bill No. 202, as amended, passed its third and final consideration by the following vote:

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Ayes 85
Noes 6

Representatives voting aye were: Bell, Bewley, Bivens, Bragg, Buck, Burnett, Bushing, Byrd, Cain, Chiles, Clark, Coffey, Copeland, Crain, Cross, Curlee, Davidson, Davis (Cocke), Davis (Gibson), Davis (Knox), DePriest, Dixon, Drew, Ellis, Frensley, Gaia, Garrett, Good, Harrill, Hassell, Hawkins, Henry, Hillis, Hobbs, Holcomb, Holt, Hurley, Huskey, Jackson, Jared, Jones, R. (Shelby), Jones, U. (Shelby), Kent, Kernell, King, Kisber, Lawson, Love, McAfee, Miller, Montgomery, Moody, Moore (Lawrence), Moore (Shelby), Nance, Napier, Odom, Peroulas, Pruitt, Purcell, Rhinehart, Robinson (Davidson), Robinson (Hamilton), Robinson (Washington), Scruggs, Severance, Shirley, Stafford, Stallings, Starnes, Swann, Tankersley, Tanner, Turner (Hamilton), Turner, C. (Shelby), Ussery, Webb, West, Wheeler, Whitson, Williams, Winningham, Wolfe, Wood, and Yelton--85.

Representatives voting no were: Collier, DeBerry, Head, Long, Turner, L. (Shelby), and Wix--6.

A motion to reconsider was tabled.

House Bill No. 48--Film and Television.

Mr. King moved that House Bill No. 48 be passed on third and final consideration.

Mr. King moved to amend as follows:

AMENDMENT NO. 1

Amend House Bill No. 48 by deleting Sections 2 and 3 in their entirety and by substituting instead the following:

SECTION 2. (a) Notwithstanding the provisions of Tennessee Code Annotated, Section 4-29-112, or any other law to the contrary, the office of film and television production, created by Tennessee Code Annotated, Section 4-3-5002, shall terminate and shall cease all activities upon the effective date of this act.

(b) Tennessee Code Annotated, Title 4, Chapter 3 is amended by deleting Part 50 in its entirety.

SECTION 3. This act shall take effect upon becoming a law, the public welfare requiring it.

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On motion, the amendment was adopted.

Thereupon, House Bill No. 48, as amended, passed its third and final consideration by the following vote:

Ayes	90
Noes	0

Representatives voting aye were: Bell, Bewley, Bivens, Bragg, Buck, Burnett, Bushing, Byrd, Cain, Chiles, Clark, Coffey, Copeland, Crain, Cross, Curlee, Davidson, Davis (Cocke), Davis (Gibson), Davis (Knox), DeBerry, DePriest, Dixon, Drew, Duer, Ellis, Frensley, Gaia, Garrett, Good, Harrill, Hassell, Hawkins, Head, Henry, Hillis, Hobbs, Holcomb, Holt, Hurley, Huskey, Ivy, Jackson, Jared, Jones, R. (Shelby), Jones, U. (Shelby), Kent, Kernell, King, Kisber, Lawson, Long, Love, Miller, Montgomery, Moody, Moore (Lawrence), Moore (Shelby), Nance, Odom, Peroulas, Pruitt, Purcell, Rhinehart, Robinson (Davidson), Robinson (Hamilton), Robinson (Washington), Scruggs, Severance, Shirley, Stafford, Stallings, Starnes, Swann, Tankersley, Tanner, Turner (Hamilton), Turner, C. (Shelby), Turner, L. (Shelby), Ussery, Webb, West, Wheeler, Whitson, Williams, Winningham, Wix, Wolfe, Wood and Yelton--90.

A motion to reconsider was tabled.

House Bill No. 43--Film and Television.

Mr. King moved that House Bill No. 43 be passed on third and final consideration.

Mr. King moved to amend as follows:

AMENDMENT NO. 1

Amend House Bill No. 43 by deleting Sections 2 and 3 in their entirety and by substituting instead the following:

SECTION 2. (a) Notwithstanding the provisions of Tennessee Code Annotated, Section 4-29-112, or any other law to the contrary, the office of film and television production, created by Tennessee Code Annotated, Section 4-3-5002, shall terminate and shall cease all activities upon the effective date of this act.

(b) Tennessee Code Annotated, Title 4, Chapter 3 is amended by deleting Part 50 in its entirety.

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SECTION 3. This act shall take effect upon becoming a law, the public welfare requiring it.

On motion, the amendment was adopted.

Thereupon, House Bill No. 43, as amended, passed its third and final consideration by the following vote:

Ayes	91
Noes	0

Representatives voting aye were: Bell, Bewley, Bivens, Bragg, Buck, Burnett, Bushing, Byrd, Cain, Chiles, Clark, Coffey, Copeland, Crain, Cross, Curlee, Davidson, Davis (Cocke), Davis (Gibson), Davis (Knox), DeBerry, DePriest, Dixon, Drew, Duer, Ellis, Frensley, Gaia, Garrett, Good, Harrill, Hassell, Hawkins, Head, Henry, Hillis, Hobbs, Holcomb, Holt, Hurley, Huskey, Ivy, Jackson, Jared, Jones, R. (Shelby), Jones, U. (Shelby), Kent, Kernell, King, Kisber, Lawson, Long, Love, Miller, Montgomery, Moody, Moore (Lawrence), Moore (Shelby), Nance, Napier, Odom, Peroulas, Pruitt, Purcell, Rhinehart, Robinson (Davidson), Robinson (Hamilton), Robinson (Washington), Scruggs, Severance, Shirley, Stafford, Stallings, Starnes, Swann, Tankersley, Tanner, Turner (Hamilton), Turner, C. (Shelby), Turner, L. (Shelby), Ussery, Webb, West, Wheeler, Whitson, Williams, Winningham, Wix, Wolfe, Wood and Yelton--91.

A motion to reconsider was tabled.

House Bill No. 354--Continuing Life Care Centers Act.

Mr. Robinson (Washington) moved that House Bill No. 354 be passed on third and final consideration.

Mr. Starnes moved to amend as follows:

AMENDMENT NO. 1

Amend House Bill No. 354 by deleting all the language following the enacting clause and by substituting instead the following language:

SECTION 1. The department of commerce and insurance shall have the authority to determine whether any facility which has guaranteed or guarantees to provide medical coverage for its residents has adequate

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safeguards in place to ensure that such medical care will be provided as guaranteed. If the department determines that adequate safeguards have not been established, the department has the authority to require that such provider place a sufficient amount of funds in escrow to ensure that such medical care will be provided. The escrow account shall be established in a manner authorized by the department.

If the department requires an escrow account for a present provider, then prior to the expansion of any proposed facilities for which continuing care agreements are to be signed, the provider must establish a comparable escrow account and deposit a specified amount into such account as determined by the department as funds are contributed by residents for such facilities.

SECTION 2. This act shall take effect upon becoming a law, the public welfare requiring it.

Ms. Robinson (Washington) moved to amend Amendment No. 1 as follows:

AMENDMENT NO. 1 TO AMENDMENT NO. 1

Amend Amendment No. 1 by adding the following language to Section 1 of Amendment 1:

the provisions of the act shall apply only to retirement living facilities that offer or propose to offer continuing life care services to individuals for a fee.

On motion, Amendment No. 1 to Amendment No. 1 was adopted.

Thereupon, Amendment No. 1, as amended, was adopted.

Thereupon, House Bill No. 354, as amended passed its third and final consideration by the following vote:

Ayes	90
Noes	0
Present and not voting	2

Representatives voting aye were: Bell, Bewley, Bivens, Buck, Burnett, Bushing, Byrd, Cain, Chiles, Clark, Coffey, Copeland, Crain, Cross, Curlee, Davidson, Davis (Cocke), Davis (Gibson), Davis (Knox), DeBerry, DePriest, Dixon, Drew, Duer, Ellis, Frensley, Gaia, Garrett, Good, Harrill, Hassell,

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Hawkins, Head, Henry, Hillis, Hobbs, Holcomb, Holt, Hurley, Huskey, Ivy, Jackson, Jared, Jones, R. (Shelby), Jones, U. (Shelby), Kent, Kernell, King, Kisber, Lawson, Long, Love, McAfee, Miller, Montgomery, Moody, Moore (Lawrence), Moore (Shelby), Nance, Napier, Odom, Peroulas, Pruitt, Purcell, Rhinehart, Robinson (Davidson), Robinson (Hamilton), Robinson (Washington), Scruggs, Severance, Shirley, Stafford, Stallings, Starnes, Swann, Tankersley, Tanner, Turner (Hamilton), Turner, C. (Shelby), Turner, L. (Shelby), Ussery, Webb, West, Wheeler, Williams, Winningham, Wix, Wolfe, Wood and Yelton--90.

Representatives present and not voting were: Bragg and Whitson--2.

A motion to reconsider was tabled.

House Bill No. 313--Boating Safety Act.

On motion, House Bill No. 313 was made to conform with Senate Bill No. 629.

On motion, Senate Bill No. 629, on same subject, was substituted for House Bill No. 313.

Mr. Moore (Shelby) moved that Senate Bill No. 629 be passed on third and final consideration, which motion prevailed by the following vote:

Ayes	89
Noes	0
Present and not voting	1

Representatives voting aye were: Bell, Bewley, Bivens, Bragg, Buck, Burnett, Bushing, Byrd, Cain, Chiles, Coffey, Copeland, Crain, Cross, Curlee, Davidson, Davis (Cocke), Davis (Gibson), Davis (Knox), DeBerry, DePriest, Dixon, Duer, Ellis, Frensley, Gaia, Garrett, Good, Harrill, Hassell, Hawkins, Head, Henry, Hillis, Hobbs, Holcomb, Holt, Hurley, Huskey, Ivy, Jackson, Jared, Jones, R. (Shelby), Jones, U. (Shelby), Kent, Kernell, King, Kisber, Lawson, Long, Love, McAfee, Miller, Montgomery, Moody, Moore (Lawrence), Moore (Shelby), Nance, Napier, Odom, Peroulas, Pruitt, Purcell, Rhinehart, Robinson (Davidson), Robinson (Hamilton), Robinson (Washington), Scruggs, Severance, Shirley, Stafford, Stallings, Starnes, Swann, Tankersley, Tanner, Turner (Hamilton), Turner, C. (Shelby), Turner, L. (Shelby), Ussery, Webb, West, Wheeler, Whitson, Williams, Winningham, Wix, Wolfe, Wood and Yelton--89.

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Representative present and not voting was: Whitson--1.

A motion to reconsider was tabled.

MESSAGE FROM THE SENATE

MR. SPEAKER: I am directed to return to the House, House Joint Resolution No. 363--Relative to recess, House 95th General Assembly; concurred in by the Senate.

CLYDE W. McCULLOUGH, JR.,
Chief Clerk.

House Bill No. 1030--Taxation of coin operated amusement devices.

On motion, House Bill No. 1030 was made to conform with Senate Bill No. 1135

On motion, Senate Bill No. 1135, on same subject, was substituted for House Bill No. 1030.

Mr. Moore (Shelby) moved that Senate Bill No. 1135 be placed on the Calendar for Tuesday, May 5, 1987 which motion prevailed.

Senate Bill No. 190--To regulate municipal planning commissions.

Mr. Burnett moved that the House refuse to recede from its action in adopting Amendment No 1 to Senate Bill No. 190, which motion prevailed.

HOUSE BILL ON SENATE AMENDMENT

House Bill No. 529--Fabricators of steel products.

SENATE AMENDMENT NO. 1

Amend House Bill No. 529 by deleting Sections 1 through 4 and adding new sections as follows:

SECTION 1. Tennessee Code Annotated, Title 67, Chapter 6, Part 3, is amended by adding a new section as follows:

(a) The tax imposed by this chapter shall not apply to materials sold to or used by a structural metal fabricator provided such materials are used by the fabricator to fabricate structural metal products for application or use by the fabricator in the performance of a contract outside this state.

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(b) For the purpose of this section, "structural metal fabricator" means any person engaged in those activities described under Industry 3441, fabricated structural metal, of Major Group 34 of the standard industrial classification index of 1972 prepared by the bureau of the budget of the federal government.

(c) For the purpose of this section, "fabricated structural metal products" means those products listed under Industry 3441, fabricated structural metal, of Major Group 34 of the standard industrial classification index of 1972 prepared by the bureau of the budget of the federal government.

SECTION 2. This act shall take effect July 1, 1987, the public welfare requiring it.

Mr. Rhinehart moved that the House concur in Senate Amendment No. 1, which motion prevailed by the following vote:

Ayes	83
Noes	0

Representatives voting aye were: Bell, Bewley, Bivens, Bragg, Buck, Burnett, Bushing, Byrd, Cain, Chiles, Coffey, Copeland, Crain, Cross, Curlee, Davidson, Davis (Cocke), Davis (Gibson), Davis (Knox), DeBerry, DePriest, Dixon, Drew, Duer, Ellis, Frensley, Gaia, Garrett, Good, Harrill, Hassell, Hawkins, Head, Hillis, Hobbs, Holcomb, Holt, Hurley, Huskey, Jared, Jones, R. (Shelby), Kent, Kernell, Kisber, Lawson, Long, Love, McAfee, Miller, Montgomery, Moody, Moore (Lawrence), Moore (Shelby), Odom, Peroulas, Pruitt, Purcell, Rhinehart, Robinson (Hamilton), Robinson (Washington), Scruggs, Severance, Shirley, Stafford, Stallings, Starnes, Swann, Tankersley, Tanner, Turner (Hamilton), Turner, C. (Shelby), Turner, L. (Shelby), Ussery, Webb, West, Wheeler, Whitson, Williams, Winningham, Wix, Wolfe, Wood and Yelton--83.

A motion to reconsider was tabled.

Statement by Representative Copeland

April 30, 1987

Ed Murray, Speaker
Tennessee House of Representatives

Request to spread on the
House Journal this letter

On this date the House of Representative passed on third consideration

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HB 529 dealing with sales taxes on steel fabricators.

I voted 'aye', but because I am in the business of fabricating steel I wish to record this statement.

- 1) The bill applies only to fabricators of structural steel products sold out of the state.
- 2) The bill, by reference, defines the products which comprise structural steel.

Because my company does not deal in structural steel as defined by the bill, neither the taxable sales of my business, or the tax consequences to my business, are affected by the passage of the HB 529.

Sincerely,

David Copeland

MESSAGE FROM THE SENATE

MR. SPEAKER: I am directed to notify the House that the Senate voted as follows on the charges in the case of Judge Ira Henderson Murphy:

Charge I--Against Removal

Charge II--For Removal

Charge III(A)--Against Removal

Charge III(B)--For Removal

Charge III(c)--For Removal

CLYDE W. McCULLOUGH, JR.,
Chief Clerk.

NOTICE PURSUANT TO RULE NO. 59

Pursuant to rule No. 59, sponsors gave notice of their intentions to consider the following measures from the Senate on Tuesday, May 5, 1987:

House Bill No. 1134--Turner (Hamilton)

House Bill No. 554--Starnes

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House Bill No. 631--Starnes

House Bill No. 616--Wheeler

House Bill No. 137--Scruggs

Mr. Wheeler moved that the rules be suspended for the purpose of introducing House Joint Resolution No. 349 out of order, which motion prevailed.

House Joint Resolution No. 349--Commending TVA Board--By Wheeler and Cross.

On motion, the rules were suspended for the immediate consideration of the resolution.

On motion of Mr. Wheeler, the resolution was adopted.

A motion to reconsider was tabled.

Mr. Wheeler moved that the rules be suspended for the purpose of introducing House Joint Resolution No. 355 out of order, which motion prevailed.

House Joint Resolution No. 355--Honoring Charles G. Seivers--By Wheeler.

On motion, the rules were suspended for the immediate consideration of the resolution.

On motion of Mr. Wheeler, the resolution was adopted.

A motion to reconsider was tabled.

Mr. DePriest moved that the rules be suspended for the purpose of introducing House Joint Resolution No. 367 out of order, which motion prevailed.

House Joint Resolution No. 367--Naming Sam Davis Memorial Bridge--By DePriest, Bragg and Hobbs.

On motion, the rules were suspended for the immediate consideration of the resolution.

On motion of Mr. DePriest, the resolution was adopted.

A motion to reconsider was tabled.

SPONSORS ADDED

Without objection, the rules were suspended to allow the following members to add their names as sponsors to the bills as

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indicated below, the prime sponsor of each having agreed to such addition:

Senate Joint Resolution No. 192--Jared

Senate Joint Resolution No. 131--Moody, Lawson and Cross

INTRODUCTION OF RESOLUTIONS

House Resolution No. 45--Relative to honoring Walter Taylor--By Hawkins.

Under the rules, House Resolution No. 45 was referred to the Committee on Calendar and Rules.

House Resolution No. 46--Relative to honoring Walter W. Reece--By Hawkins.

Under the rules, House Resolution No. 46 was referred to the Committee on Calendar and Rules.

House Resolution No. 47--Relative to honoring C. W. Henderson--By Hawkins.

Under the rules, House Resolution No. 47 was referred to the Committee on Calendar and Rules.

House Resolution No. 48--Relative to honoring Willie Benjamin Lewis--By Hawkins.

Under the rules, House Resolution No. 48 was referred to the Committee on Calendar and Rules.

House Resolution No. 49--Relative to honoring Riley A. Synder--By Hawkins.

Under the rules, House Resolution No. 49 was referred to the Committee on Calendar and Rules.

House Resolution No. 50--Relative to participation in Memphis in May--By Shirley.

Under the rules, House Resolution No. 50 was referred to the Committee on Calendar and Rules.

House Joint Resolution No. 340--Relative to honoring Collinwood High School cheerleaders--By Ivy.

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Under the rules, House Joint Resolution No. 340 was referred to the Committee on Calendar and Rules.

House Joint Resolution No. 341--Relative to honoring Roddy Manufacturing Company--By Drew.

Under the rules, House Resolution No. 341 was referred to the Committee on Calendar and Rules.

House Resolution No. 342--Relative to honoring Lizzie Main--By Hawkins.

Under the rules, House Joint Resolution No. 342 was referred to the Committee on Calendar and Rules.

House Joint Resolution No. 344--Relative to honoring Jimmie L. Rowe--By Ridgeway.

Under the rules, House Joint Resolution No. 344 was referred to the Committee on Calendar and Rules.

House Joint Resolution No. 345--Relative to honoring memory of Joe Morris--By Herron and Ridgeway.

Under the rules, House Joint Resolution No. 345 was referred to the Committee on Calendar and Rules.

House Joint Resolution No. 346--Relative to YMCA Youth Legislature--By Burnett and Kisber.

Under the rules, House Joint Resolution No. 346 was referred to the Committee on Calendar and Rules.

House Joint Resolution No. 350--Confirms John T. Akin, II, to TWRC--By Hillis.

The Speaker referred House Joint Resolution No. 350 to the Committee on Conservation and Environment.

House Joint Resolution No. 351--Relative to honoring memory Bill Powell--By Wheeler and Crain.

Under the rules, House Joint Resolution No. 351 was referred to the Committee on Calendar and Rules.

House Joint Resolution No. 352--Relative to congratulating Larry Hardister--By Crain.

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Under the rules, House Joint Resolution No. 352 was referred to the Committee on Calendar and Rules.

House Joint Resolution No. 353--Relative to congratulating John B. Bond--By Crain.

Under the rules, House Joint Resolution No. 353 was referred to the Committee on Calendar and Rules.

House Joint Resolution No. 354--Relative to congratulating D. M. "Pete" Gossett--By DePriest, Hobbs, Davis (Gibson), Stafford, Ivy, Webb, Lawson, Collier, Stallings, Robinson (Washington), Hawkins and Henry.

Under the rules, House Joint Resolution No. 354 was referred to the Committee on Calendar and Rules.

House Joint Resolution No. 356--Relative to honoring Huntsville Middle School boys' basketball team--By Winningham.

Under the rules, House Joint Resolution No. 356 was referred to the Committee on Calendar and Rules.

House Joint Resolution No. 357--Relative to day care study--By DeBerry, Pruitt, Love and Chiles.

The Speaker referred House Joint Resolution No. 357 to the Committee on General Welfare.

House Joint Resolution No. 358--Relative to congratulating Joe Prebul--By Starnes.

Under the rules, House Joint Resolution No. 358 was referred to the Committee on Calendar and Rules.

House Joint Resolution No. 359--Relative to honoring Willis Patton--By Starnes.

Under the rules, House Joint Resolution No. 359 was referred to the Committee on Calendar and Rules.

House Joint Resolution No. 360--Relative to honoring Mary Sue Bethea--By Starnes.

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Under the rules, House Joint Resolution No. 360 was referred to the Committee on Calendar and Rules.

House Joint Resolution No. 361--Relative to honoring William M. "Bill" Beasley.

Under the rules, House Joint Resolution No. 361 was referred to the Committee on Calendar and Rules.

House Joint Resolution No. 362--Relative to honoring Gibbs High School--By Davis (Knox).

Under the rules, House Joint Resolution No. 362 was referred to the Committee on Calendar and Rules.

SENATE JOINT RESOLUTIONS

(Congratulatory and Memorializing)

Senate Joint Resolution No. 176--Congratulating Lottie Shackelford.

Under the rules, Senate Joint Resolution No. 176 was referred to the Committee on Calendar and Rules.

Senate Joint Resolution No. 177--Appreciation J. Charles "Chuck" House.

Under the rules, Senate Joint Resolution No. 177 was referred to the Committee on Calendar and Rules.

Senate Joint Resolution No. 178--Honoring Dr. Darr Lafon.

Under the rules, Senate Joint Resolution No. 178 was referred to the Committee on Calendar and Rules.

Senate Joint Resolution No. 193--Congratulating Senator and Mary Tisdale Hamilton, 34th Anniversary.

Under the rules, Senate Joint Resolution No. 193 was referred to the Committee on Calendar and Rules.

Senate Joint Resolution No. 199--Memory Joe Little.

Under the rules, Senate Joint Resolution No. 199 was referred to the Committee on Calendar and Rules.

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REPORT OF DELAYED BILLS COMMITTEE

The undersigned members of the Delayed Bills Committee have approved the following bill: House Bill No. 1306.

Ed Murray, Speaker

Jimmy Naifeh

John Chiles, Jr.

INTRODUCTION OF BILLS

House Bill No. 1301--Election time city of Moscow--By Stallings and Naifeh.

Passed first consideration.

House Bill No. 1302--Levy privilege tax, Marion County--By Rhinehart and Mr. Speaker Murray.

Passed first consideration.

House Bill No. 1303--Charter of Eagleville--By Hobbs and Bragg.

Passed first consideration.

House Bill No. 1305--Terms of office school board, Campbell County--By Wheeler and Cross.

Passed first consideration.

House Bill No. 1308--Privilege tax, city of Franklin--By Frensley and Hobbs.

Passed first consideration.

House Bill No. 1309--Levy fees new land development--By Frensley and Hobbs.

Passed first consideration.

House Bill No. 1310--Levy fees new land development--By Frensley and Hobbs.

Passed first consideration.

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House Bill No. 1311--City of Franklin levy and collect fees--By Frensey and Hobbs.

Passed first consideration.

SENATE BILLS ON FIRST CONSIDERATION

Senate Bills Nos. 171, 646, 736, 974, 1060, 1079 and 1140.

Passed first consideration.

HOUSE BILLS ON SECOND CONSIDERATION

House Bill No. 1297--Jurisdiction city court, New Johnsonville.

Passed second consideration and held without reference.

House Bill No. 1298--Purchasing in Dyer County.

Passed second consideration and held without reference.

House Bill No. 1299--Smith County Junkyard Control.

Passed second consideration and held without reference.

House Bill No. 1300--Williamson County Adequate School Facilities Tax.

Passed second consideration and held without reference.

House Bill No. 1304--County Attorney of Hamblen County.

Passed second consideration and held without reference.

House Bill No. 1306--TSU Ornamental Agricultural Programs.

Passed second consideration and referred to Committee on Agriculture.

House Bill No. 1307--Sullivan County consolidated government.

Passed second consideration and held without reference.

SPONSORS ADDED

Without objection, the rules were suspended to allow the following members to add their names as sponsors to the bills as indicated below, the prime sponsor of each having agreed to such addition:

House Bill No. 786--Bivens

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House Bill No. 787--Bivens

House Bill No. 789--Bivens

House Bill No. 823--Hobbs

House Bill No. 1029--Cain

House Joint Resolution No. 349--Winningham

LOCAL BILLS TRANSMITTED TO CALENDAR AND RULES

In accordance with Rule No. 48, the following local bills, having received authorization for passage by the local legislative delegation, were transmitted to the Committee on Calendar and Rules: House Bills Nos. 1297, 1298, 1299, 1300, 1304 and 1307.

REPORT OF COMMITTEE ON CALENDAR AND RULES

CONSENT CALENDAR

MR. SPEAKER: The officers of your Committee on Calendar and Rules beg leave to report that we have met and set the following bills on the Consent Calendar for Tuesday, May 5, 1987: House Joint Resolution No. 132, House Resolutions Nos. 43, 16; House Joint Resolutions Nos. 67, 166; House Resolution No. 19, House Joint Resolution No. 298, House Resolution No. 33, House Joint Resolution No. 245, House Resolutions Nos. 45, 46, 47, 48, 49; House Joint Resolutions Nos. 340, 341, 342, 344, 346, 351, 352, 353, 354, 356, 358, 359, 360, 361, 362 and Senate Joint Resolutions Nos. 176, 177, 178, 193, 199 and House Bills Nos. 1297, 1298, 1299, 1300, 1304 and 1307.

PHILLIPS, Chairman.

REPORT OF COMMITTEE ON CALENDAR AND RULES

MR. SPEAKER: Your Committee on Calendar and Rules begs leave to report that we have met and set the following bills on the Calendar for Tuesday, May 5, 1981: House Bills Nos. 798, 806, 822, 1139, 212, 213, 173, 741, House Joint Resolutions Nos. 288, 71; and House Bills Nos. 22, 777, 660, 545 and 754 and Senate Bill No. 1135.

PHILLIPS, Chairman.

MOTION

Mr. Rhinehart moved that all local bills filed today would be considered introduced, passed first consideration, which motion prevailed.

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INTRODUCTION OF BILL

House Bill No. 1312--Bolivar and office of mayor--By Stallings.

Passed first consideration.

MESSAGE FROM THE SENATE

MR. SPEAKER: I am directed to transmit to the House, Senate Joint Resolution No.:

197--Relative to congratulating Reverend B.C. Brooks, Praise Zion Missionary Baptist Church; adopted for concurrence.

CLYDE W. McCULLOUGH, JR.,
Chief Clerk.

MESSAGE FROM THE SENATE

MR. SPEAKER: I am directed to transmit to the House, Senate Joint Resolution No.:

180--Relative to urging TVA to keep cost electricity inexpensive; adopted for concurrence.

CLYDE W. McCULLOUGH, JR.,
Chief Clerk.

MESSAGE FROM THE SENATE

MR. SPEAKER: I am directed to transmit to the House, Senate Bills Nos.:

1214--To authorize bond sale, provide additional facilities for state institutions;

1302--To regulate presidential preference primary elections; both passed by the Senate.

CLYDE W. McCULLOUGH, JR.,
Chief Clerk.

MESSAGE FROM THE SENATE

MR. SPEAKER: I am directed to transmit to the House, Senate Bill No.:

1215--"General Appropriations Bill"; passed by the Senate.

CLYDE W. McCULLOUGH, JR.,
Chief Clerk.

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MESSAGE FROM THE SENATE

MR. SPEAKER: I am directed to transmit to the House, Senate Bill No.:

1304--To enact Smith County Junkyard Control Act; passed by the Senate.

CLYDE W. McCULLOUGH, JR.,
Chief Clerk.

MESSAGE FROM THE SENATE

MR. SPEAKER: I am directed to return to the House, House Bills Nos. 1281, 1285, 1286, 1292, 1294 and 1296; all substituted for Senate Bills on same subject and passed by the Senate.

CLYDE W. McCULLOUGH, JR.,
Chief Clerk.

MESSAGE FROM THE SENATE

MR. SPEAKER: I am directed to return to the House, House Joint Resolutions Nos. 285, 286, 289, 290, 292, 293, 336, 339 and 364; all concurred in by the Senate.

CLYDE W. McCULLOUGH, JR.,
Chief Clerk.

ENGROSSED BILLS

MR. SPEAKER:

Your Chief Engrossing Clerk begs leave to report that we have carefully examined House Bills Nos. 43, 1275, 1283 and 1288; and House Joint Resolutions Nos. 197, 315, 316, 317, 318, 319, 320, 321, 322, 323, 324, 325, 327, 328, 329, 330, 331, 332, 333, 334, 335, 337 and 338; and find same correctly engrossed and ready for transmission to the Senate.

MARILYN EVELYN HAND,
Chief Engrossing Clerk.

ENGROSSED BILLS

MR. SPEAKER:

Your Chief Engrossing Clerk begs leave to report that we have carefully examined House Joint Resolutions Nos. 363 and 364; and find same correctly engrossed and ready for transmission to the Senate.

MARILYN EVELYN HAND,
Chief Engrossing Clerk.

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ENGROSSED BILLS

MR. SPEAKER:

Your Chief Engrossing Clerk begs leave to report that we have carefully examined House Bill No. 210; and find same correctly engrossed and ready for transmission to the Senate.

MARILYN EVELYN HAND,
Chief Engrossing Clerk.

ENGROSSED BILLS

MR. SPEAKER:

Your Chief Engrossing Clerk begs leave to report that we have carefully examined House Joint Resolution No. 336; and find same correctly engrossed and ready for transmission to the Senate.

MARILYN EVELYN HAND,
Chief Engrossing Clerk.

ENGROSSED BILLS

MR. SPEAKER:

Your Chief Engrossing Clerk begs leave to report that we have carefully examined House Bills Nos. 48 and 354; and find same correctly engrossed and ready for transmission to the Senate.

MARILYN EVELYN HAND,
Chief Engrossing Clerk.

ENGROSSED BILLS

MR. SPEAKER:

Your Chief Engrossing Clerk begs leave to report that we have carefully examined House Joint Resolutions Nos. 349 and 355; and find same correctly engrossed and ready for transmission to the Senate.

MARILYN EVELYN HAND,
Chief Engrossing Clerk.

MESSAGE FROM THE SENATE

MR. SPEAKER: I am directed to return to the House, House Bills Nos. 36, 375, 728, 785, 1075 and 1186; also, House Joint Resolutions Nos. 131, 137, 144, 185, 186, 269, 273, 274, 276, 278, 279, 287 and 307; all signed by the Speaker.

CLYDE W. McCULLOUGH, JR.,
Chief Clerk.

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MESSAGE FROM THE SENATE

MR. SPEAKER: I am directed to transmit to the House, Senate Bills Nos. 32, 45, 89, 243, 360, 362, 867, 931, 949, 950, 990, 1002, 1039 and 1252; also, Senate Joint Resolutions Nos. 27, 76, 79, 164, and 183; all for the signature of the Speaker.

CLYDE W. McCULLOUGH, JR.,
Chief Clerk.

MESSAGE FROM THE SENATE

MR. SPEAKER: I am directed to transmit to the House, Senate Bills Nos. 28, 417, 527, 819 and 1062; all for the signature of the Speaker.

CLYDE W. McCULLOUGH, JR.,
Chief Clerk.

MESSAGE FROM THE SENATE

MR. SPEAKER: I am directed to return to the House, House Bills Nos. 146, 960, 1068, 1238, 1289 and 1290; also, House Joint Resolutions Nos. 252, 253, 254, 280, 281, 284 and 296; all signed by the Speaker.

CLYDE W. McCULLOUGH, JR.,
Chief Clerk.

SECOND ROLL CALL

The roll call was taken with the following results:

Present 93

Representatives present were: Bell, Bewley, Bivens, Bragg, Buck, Burnett, Bushing, Byrd, Cain, Chiles, Coffey, Copeland, Crain, Cross, Curlee, Davidson, Davis (Cocke), Davis (Gibson), Davis (Knox), DeBerry, DePriest, Dixon, Drew, Duer, Ellis, Frensley, Gaia, Garrett, Good, Harrill, Hassell, Hawkins, Head, Henry, Hillis, Hobbs, Holcomb, Holt, Hurley, Huskey, Ivy, Jackson, Jared, Jones, R. (Shelby), Jones, U. (Shelby), Kent, Kernell, King, Kisber, Lawson, Long, Love, McAfee, Miller, Montgomery, Moody, Moore (Lawrence), Moore (Shelby), Nance, Napier, Odom, Peroulas, Phillips, Pruitt, Purcell, Rhinehart, Robinson (Davidson), Robinson (Hamilton), Robinson (Washington), Scruggs, Severance, Shirley, Stafford, Stallings, Starnes, Swann, Tankersley, Tanner, Turner (Hamilton), Turner, C. (Shelby), Turner, L. (Shelby), Ussery, Webb, West, Wheeler, Whitson, Williams, Winningham, Wix, Wolfe, Wood, Yelton and Mr. Speaker Murray--93.

Pursuant to House Joint Resolution No. 363, Mr. Crain moved that the House adjourned until 12:00 noon, Tuesday, May 5, 1987, which motion prevailed.